

ENTERED

August 02, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

CHAD WAYNE CARRIKER,

Petitioner,

v.

BOBBY LUMPKIN,

Respondent.

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Civil Action No. 6:21-CV-00046

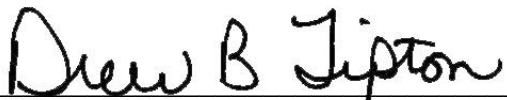
ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the May 2, 2022 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Julie K. Hampton. (Dkt. No. 10). Magistrate Judge Hampton recommends that the Court (1) grant Respondent Bobby Lumpkin’s Motion for Summary Judgment; (2) dismiss as untimely *pro se* Petitioner Chad Wayne Carriker’s habeas petition under 28 U.S.C. § 2254; and (3) deny a certificate of appealability.

Carriker was provided notice and the opportunity to object. *See* 28 U.S.C. § 636(b)(1). He did not. As a result, review is for plain error. *Hawes v. Stephens*, 964 F.3d 412, 415 (5th Cir. 2020). No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the Court’s opinion. The Court **GRANTS** the Motion for Summary Judgment. (Dkt. No. 8). The Court further **DISMISSES WITH PREJUDICE** as untimely Petitioner Chad Wayne Carriker’s habeas petition under 28 U.S.C. § 2254. (Dkt. No. 1). Finally, the Court **DENIES** a certificate of appealability.

It is SO ORDERED.

Signed on August 2, 2022.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE